

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 2:04CR113-P

DONALD RAY TERRY

DEFENDANT

ORDER DENYING DEFENDANT'S MOTION [81] FOR
THE COURT TO APPOINT STANDBY COUNSEL TO REPRESENT
THE DEFENDANT ON HIS COLLATERAL ATTACK ON HIS CONVICTION

This matter comes before the court on the defendant's motion [81] for standby counsel to assist him with the prosecution of his collateral attack on his conviction under 28 U.S.C. § 2255. A defendant has no constitutional right to counsel in attacking a final conviction. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Coleman v. Thompson*, 501 U.S. 722, 752 (1991). As such, the instant motion is hereby **DENIED**.

SO ORDERED, this the 2nd day of May, 2008.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE